

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

CL

SANOFI-AVENTIS U.S. LLC,  
SANOFI-AVENTIS DEUTSCHLAND GMBH,  
and SANOFI WINTHROP INDUSTRIE,

Plaintiffs,

v.

MYLAN GMBH, BIOCON LTD., BIOCON  
RESEARCH LTD., BIOCON SDN. BHD., and  
BIOCON S.A.,

Defendants.

Civil Action No. 17-cv-09105-SRC-CLW

*Document Filed Electronically*

**FINAL JUDGMENT**

WHEREAS, on October 24, 2017, Sanofi-Aventis U.S. LLC, Sanofi-Aventis Deutschland GmbH, and Sanofi Winthrop Industrie (“Sanofi”) filed suit against Mylan GmbH in the above-captioned case asserting infringement of certain patents;

WHEREAS, on July 6, 2018, Sanofi filed an Amended Complaint (“Amended Complaint”) against Mylan GmbH, Biocon Ltd., Biocon Research Ltd., Biocon Sdn. Bhd., and Biocon S.A. (“Defendants”) in the above-captioned case asserting infringement of U.S. Patent Nos. 7,476,652 (Count 1); 7,713,930 (Count 2); 8,603,044 (Count 3); 8,679,069 (Count 4); 8,992,486 (Count 5); 9,526,844 (Count 6); and 9,604,008 (Count 7);

WHEREAS, on July 20, 2018, Mylan GmbH filed its answer, separate defenses, and counterclaims to the Amended Complaint (“Mylan GmbH’s Answer to the Amended Complaint”);

WHEREAS, on July 20, 2018, Biocon filed its answer and separate defenses to the Amended Complaint;

WHEREAS, this Court conducted a bench trial on the claims and counterclaims relating to U.S. Patent No. 9,526,844 and stated its findings of fact and conclusions of law in its March 9, 2020 Opinion;

WHEREAS, the Patent Trial and Appeal Board (“Board”) issued Final Written Decisions on December 12, 2018 holding all claims of U.S. Patent Nos. 7,476,652 and 7,713,930 unpatentable for obviousness; on November 19, 2019, the United States Court of Appeals for the Federal Circuit affirmed the decisions by the Board; the Federal Circuit issued its mandate on February 18, 2020; and on October 5, 2020, the Supreme Court of the United States denied Sanofi’s petition for a writ of certiorari; U.S. Patent Nos. 7,476,652 and 7,713,930 are therefore subject to cancellation (35 U.S.C. § 318(b));

WHEREAS, on June 17, 2019, Judgment was entered in favor of Defendants and against Sanofi as to infringement of U.S. Patent Nos. 8,603,044 and 8,679,069 (Counts 3 and 4 of Sanofi’s Amended Complaint and Counterclaim Counts 6 and 8 of Mylan GmbH’s Answer to the Amended Complaint);

WHEREAS, on February 6, 2019, the parties dismissed without prejudice their claims and counterclaims regarding U.S. Patent No. 9,604,008 (Count 7 of the Amended Complaint and Counterclaim Counts 13 and 14 of Mylan GmbH’s Answer to the Amended Complaint);

WHEREAS, the parties agree to dismiss without prejudice their claims and counterclaims regarding U.S. Patent No. 8,992,486 (Count 5 of the Amended Complaint and Counterclaim Counts 9 and 10 of Mylan GmbH’s Answer to the Amended Complaint);

**IT IS** on this 2nd day of November, 2020 hereby

**ORDERED** that **FINAL JUDGMENT** is entered in favor of Defendants and against Sanofi on Counts 1, 2, 3, 4, and 6 of Sanofi's Amended Complaint and Counterclaim Counts 1, 2, 3, 4, 6, 8, 11, and 12 of Mylan GmbH's Answer to the Amended Complaint.

The Clerk of the Court is hereby directed to close this matter.

s/ Stanley R. Chesler

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**HONORABLE STANLEY R. CHESLER**  
**UNITED STATES DISTRICT JUDGE**